

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re: : Chapter 11
: :
KATY INDUSTRIES, INC., *et al.*,¹ : Case No. 17-11101 (KJC)
: (Jointly Administered)
: :
Debtors. : **Re Dkt. No.: 340**
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**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM, INCLUDING
SECTION 503(B)(9) CLAIMS AND CLAIMS ARISING FROM THE REJECTION
OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES,
AND INITIAL ADMINISTRATIVE CLAIMS**

PLEASE TAKE NOTICE that on May 14, 2017 (the “Petition Date”), the above-captioned debtors (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

PLEASE TAKE FURTHER NOTICE that on July 25, 2017, the Debtors filed the *Motion of the Debtors for an Order (I) Establishing Deadlines for Filing Proofs of Claim, Administrative Claims Incurred on or Before July 21, 2017, and Section 503(b)(9) Claims and (II) Approving the Form and Manner of Notice Thereof.*

PLEASE TAKE FURTHER NOTICE that, on August 14, 2017, the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”), having jurisdiction over the Debtors’ chapter 11 cases, entered an order (the “Bar Date Order”) establishing:

- a. **General Bar Date: October 9, 2017, at 5:00 p.m. (EDT)** as the “General Bar Date” and deadline for all persons or entities, other than Governmental Units (as defined in section 101(27) of the Bankruptcy Code), to file proofs of claim (each, a “Proof of Claim”) based on claims against any Debtor that arose prior to the Petition Date, including claims for the value of goods sold to any Debtor in the ordinary course of business and received by such Debtor within twenty (20) days before the Petition Date (each, a “503(b)(9) Claim”);

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, where applicable, are: Katy Industries, Inc. (7589), Continental Commercial Products, LLC (3898), FTW Holdings, Inc. (7467), Fort Wayne Plastics, Inc. (7470), Wabash Holding Corp. (9908), Katy Teweh, Inc. (9839), WII, Inc. (0456), TTI Holdings, Inc. (8680), GCW, Inc. (5610), Hermann Lowenstein, Inc. (4331), American Gage & Machine Company (7074), WP Liquidating Corp. (2310), Ashford Holding Corp. (8113), and HPMI, Inc. (4677). The corporate headquarters and the mailing address for the Debtors listed above is 11840 Westline Industrial Drive, Suite 200, St. Louis, MO 63146.

- b. **Initial Administrative Claims Bar Date: October 9, 2017, at 5:00 p.m. (EDT)** as the “Initial Administrative Claims Bar Date” and deadline for all persons or entities (except for the professionals retained in these chapter 11 cases and as otherwise provided herein) holding any right to payment constituting an actual, necessary cost or expense of administering these cases or preserving the estates under section 503(b) and 507(a)(2) of the Bankruptcy Code (except for 503(b)(9) Claims) (each, an “Initial Administrative Claim”) that arose during the period from the Petition Date through July 21, 2017 (the “Initial Administrative Claims Period”) to file a proof of Initial Administrative Claim (each, a “Proof of Initial Administrative Claim”);
- c. **Governmental Bar Date: November 10, 2017, at 5:00 p.m. (EST)** as the “Governmental Bar Date” and deadline for all Governmental Units to file Proofs of Claim against the Debtors based on claims against any Debtor that arose prior to the Petition Date; and
- d. **Rejection Damages Bar Date:** Any persons or entities, other than Governmental Units (as such term is defined in section 101(27) of the Bankruptcy Code), that assert a claim that arises from the rejection of an executory contract or unexpired lease must file a Proof of Claim based on such rejection by the later of (i) the applicable Bar Date, (ii) the date that is thirty (30) days after service of notice of entry of the *Order Authorizing the Rejection of Certain Executory Contracts and Unexpired Leases Nunc Pro Tunc to the Closing Date* [Dkt. No. 336], and (iii) the date that is thirty (30) days following the effective date of such rejection (unless the order authorizing such rejection provides otherwise).

You should consult an attorney if you have any questions, including whether to file a Proof of Claim or an Initial Administrative Claim. If you have any questions with respect to this notice, you may contact the Debtors’ claims agent, JND Corporate Restructuring (“JND”) at (855) 812-6112.

1. WHO MUST FILE A PROOF OF CLAIM OR A PROOF OF INITIAL ADMINISTRATIVE CLAIM

You **MUST** file a Proof of Claim if you have a claim that arose prior to the Petition Date, and it is not a claim described in Section 2 below. Acts or omissions of the Debtors that arose prior to the Petition Date may give rise to claims against the Debtors that must be filed by the applicable Bar Dates, notwithstanding that such claims may not have matured or become fixed or liquidated as of the Petition Date.

You **MUST** file an Initial Administrative Claim in accordance with the procedures set forth in the Bar Date Order if you hold a right to payment constituting an actual, necessary cost or expense of administering the Debtors’ chapter 11 cases or preserving the estates under section 503(b) and 507(a)(2) of the Bankruptcy Code (except for claims under section 503(b)(9) of the Bankruptcy Code) that arose during the period from the Petition Date through July 21, 2017 (*i.e.*, Initial Administrative Claims Period), and it is not a claim described in Section 3 below.

Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured. An Initial Administrative Claim is a claim of the kind described in sections 503(b)(1) through (8) of the Bankruptcy Code.

2. WHO NEED NOT FILE A PROOF OF CLAIM

- (a) any person or entity that has already properly filed a Proof of Claim against a Debtor with JND or the Clerk of the U.S. Bankruptcy Court for the District of Delaware in a form substantially similar to Official Form 410;
- (b) any person or entity whose claim is listed on a Debtor’s Schedule D or E/F, and (i) the claim is not described as “disputed,” “contingent,” or “unliquidated,” (ii) such person or entity agrees with the amount, nature, and priority of the claim set forth in the Schedules, and (iii) such person or entity agrees that the claim is an obligation of the specific Debtor that listed the claim in its Schedules;
- (c) any person or entity whose claim has been allowed by order of the Court entered on or before the applicable Bar Date;
- (d) any person or entity whose claim has been satisfied in full by the Debtors or any other party prior to the applicable Bar Date;
- (e) any holder of a claim for which the Court has already fixed a specific deadline to file a Proof of Claim;
- (f) the DIP Lender with respect to the DIP Obligations, as such terms are defined in the *Final Order Pursuant to Sections 105, 361, 362, 363, 364, 365 and 507 of the Bankruptcy Code (I) Authorizing Debtors to Obtain Superpriority Secured Debtor-in-Possession Financing, (II) Granting Adequate Protection to the Prepetition Second Lien Secured Parties, (III) Scheduling a Final Hearing, and (IV) Granting Related Relief*, dated June 19, 2017 [Dkt. No. 167] (the “Final DIP Order”); and
- (g) the Prepetition First Lien Agent and any of the Prepetition First Lien Lenders with respect to any of the Prepetition First Lien Debt, as defined in the *Final Order Authorizing Debtors To: (A) Use Cash Collateral; And (B) Grant Adequate Protection To Encina Business Credit SPV, LLC, As Prepetition First Lien Agent* [Dkt. No. 167] (the “Final Cash Collateral Order”), unless the Prepetition First Lien Agent chooses to file a single master proof of claim in Case No. 17-11101 (KJC) on behalf of itself and the Prepetition First Lien Lenders on account of their claims arising under the Prepetition First Lien Documents and hereunder, in which case such master proof of claim shall be

deemed filed as a claim against each of the Debtors as set forth in Paragraph 6(e) of the Final Cash Collateral Order.

3. WHO NEED NOT FILE A PROOF OF INITIAL ADMINISTRATIVE CLAIM

- (a) The U.S. Trustee and the Court, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- (b) professionals retained by the Debtors or any statutory committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to sections 330, 331, and 503(b) of the Bankruptcy Code;
- (c) any person or entity whose Initial Administrative Claim has been allowed by order of the Court entered on or before the Initial Administrative Claims Bar Date, or that has already been paid;
- (d) any Initial Administrative Claim on account of which a request for payment of Initial Administrative Claim has already been filed with either JND or the Clerk of the United States Bankruptcy Court for the District of Delaware;
- (e) Governmental Units holding claims covered by section 503(b)(1)(B), (C), or (D) of the Bankruptcy Code; and
- (f) any administrative claim accrued after July 21, 2017, as a bar date for filing administrative claims accrued after July 21, 2017 will be established at a later time.

You should not file a Proof of Claim or Proof of Initial Administrative Claim if you do not have a claim against any of the Debtors. The fact that you have received this Bar Date Notice does not mean that you have a claim or that the Debtors or the Bankruptcy Court believes that you have a claim.

4. WHEN AND WHERE TO FILE A PROOF OF CLAIM

All Proofs of Claim and Proofs of Initial Administrative Claim must be sent to JND (i) electronically through JND's website <http://www.jndla.com/cases/katy> or (ii) by regular mail, overnight mail, or hand delivery, addressed to **Katy Industries Claims Processing, c/o JND Corporate Restructuring, 8269 East 23rd Avenue, Suite 275, Denver, Colorado 80238.**

Proofs of Claim and Proofs of Initial Administrative Claim will be deemed timely filed *only if* they are actually received by JND on or before the applicable Bar Date. Proofs of Claim and Proofs of Initial Administrative Claim submitted by facsimile or e-mail *will not be accepted.*

5. HOW TO FILE A PROOF OF CLAIM

Enclosed herewith are (i) **Exhibit 1** – a Proof of Claim Form, in a form substantially similar to Official Form 410, and (ii) **Exhibit 2** - an Initial Administrative Claim Form.

Additional copies of Official Form 410 and Initial Administrative Claim Form may be obtained at <http://www.jndla.com/cases/katy>.

If you file a Proof of Claim and/or a Proof of Initial Administrative Claim, it must be (i) completed on a claim form substantially in the form of the Official Form 410 and/or Proof of Initial Administrative Claim, as applicable; (ii) signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (iii) include supporting documentation (if voluminous, attach a summary) or explanation as to why documentation is not available; (iv) be in English language; and (v) be denominated in United States currency. Each Proof of Claim asserting a 503(b)(9) Claim must also: (i) include the value of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date; and (ii) attach any documentation identifying the particular invoices corresponding to the asserted 503(b)(9) Claim and delivery address. Any holder of a claim against more than one Debtor must file a separate Proof of Claim and/or a Proof of Initial Administrative Claim against each Debtor and all holders of claims must identify on their Proof of Claim and/or a Proof of Initial Administrative Claim the specific Debtor against which such claim is asserted and the case number of that Debtor's bankruptcy case. The Debtors' names and case numbers are set forth above.

You should attach to your completed Proof of Claim Form and/or Proof of Initial Administrative Claim copies of any writings upon which your claim is based.

6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM OR PROOF OF INITIAL ADMINISTRATIVE CLAIM BY THE APPLICABLE BAR DATE

If you have a claim against a Debtor and receive notice of the applicable Bar Date (whether such notice was actually or constructively received) and you are required, but fail, to file a Proof of Claim or Proof of Initial Administrative Claim, as applicable, in accordance with the Bar Date Order on or before the applicable Bar Date, you *shall not* be entitled to vote upon a chapter 11 plan of liquidation or receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to your claim in these chapter 11 cases, *provided, however*, that you shall be able to vote upon and receive distributions under a plan of liquidation in these chapter 11 cases to the extent, and in the amount, of any undisputed, noncontingent, and liquidated identified by the Debtors in the Schedules on your behalf.

7. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed in the Schedules as the holder of a claim against the Debtors. Interested parties may examine copies of the Schedules at <http://www.jndla.com/cases/katy> (free of charge) or on the Court's electronic docket <http://ecf.deb.uscourts.gov> (a PACER login and password are required and can be obtained through the PACER Service Center at <http://pacer.psc.uscourts.gov>).

If you rely on the Debtors' Schedules, it is your responsibility to determine that your claim is accurately listed in the Schedules. As set forth above, if you agree with the nature, amount, and status of your claim as listed in the Debtors' Schedules, and if you do not dispute

that your claim is only against the Debtor specified, and if your claim is not described as “disputed,” “contingent,” or “unliquidated,” you need not file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date, in accordance with the procedures set forth in this Bar Date Notice.

In the event the Debtors file an amendment (a “Schedules Amendment”) to any of their Schedules and such Schedules Amendment (i) reduces the undisputed, noncontingent, and liquidated amount of a claim, (ii) changes the characterization of a claim, or (iii) adds a new claim to the Schedules described as “disputed,” “contingent” or “unliquidated,” establishing a deadline (the “Amended Schedules Bar Date”) for each applicable claimant to file a Proof of Claim with respect to such amended or new claim by the later of (y) the General Bar Date or (z) 5:00 p.m. (Eastern Time) on the date that is thirty (30) days after service of a notice on such claimant of the Schedules Amendment), but, in the case of any amendment to the Schedules after the applicable Claim Deadlines where you did not file a proof of claim prior to the applicable Claim Deadlines, only to the extent such proof of claim does not exceed the amount scheduled for such claim before the amendment; provided, however, that you are not entitled to an extension of an undisputed, liquidated, non-contingent claim.

Dated: August 14, 2017
Wilmington, Delaware

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Stuart M. Brown

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